

SENATE BILL 355

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2004 Regular Session  
4r1136  
CF 4r1888

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By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2004  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 23, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law - Resisting or ~~Hindering~~ Interfering with Arrest - ~~Prohibited~~**

3 FOR the purpose of prohibiting a person from intentionally resisting a lawful arrest;  
4 prohibiting a person from intentionally interfering with ~~or fleeing from~~ a police  
5 officer who is making or attempting to make a lawful arrest or detention of ~~the~~  
6 ~~person or~~ another person under certain circumstances; ~~authorizing the~~  
7 ~~imposition of a sentence separate from and consecutive to or concurrent with a~~  
8 ~~sentence of another crime under certain circumstances;~~ providing for the unit of  
9 prosecution under this Act; establishing certain penalties; defining a certain  
10 term; and generally relating to resisting arrest ~~by and~~ interfering with ~~or fleeing~~  
11 ~~from~~ a police officer.

12 BY adding to  
13 Article - Criminal Law  
14 Section 9-408  
15 Annotated Code of Maryland  
16 (2002 Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Criminal Law**

2 9-408.

3 (A) IN THIS SECTION, "POLICE OFFICER" MEANS AN INDIVIDUAL WHO IS  
4 AUTHORIZED TO MAKE AN ARREST UNDER TITLE 2 OF THE CRIMINAL PROCEDURE  
5 ARTICLE.

6 (B) A PERSON MAY NOT INTENTIONALLY:

7 (1) RESIST A LAWFUL ARREST; OR

8 ~~(1)~~ (2) INTERFERE WITH AN INDIVIDUAL WHO THE PERSON HAS  
9 REASON TO KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE  
10 A LAWFUL ARREST OR DETENTION OF ~~THE PERSON OR ANOTHER PERSON; OR,~~

11 ~~(2) FLEE FROM AN INDIVIDUAL WHO THE PERSON HAS REASON TO~~  
12 ~~KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE A LAWFUL~~  
13 ~~ARREST OR DETENTION OF THE PERSON.~~

14 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
15 AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT  
16 EXCEEDING \$5,000 OR BOTH.

17 ~~(D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE~~  
18 ~~FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME~~  
19 ~~NOT ENUMERATED IN THIS SECTION THAT IS BASED ON THE ACT ESTABLISHING THE~~  
20 ~~VIOLATION OF THIS SECTION.~~

21 ~~(E)~~ (D) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS  
22 BASED ON THE ARREST OR DETENTION REGARDLESS OF THE NUMBER OF POLICE  
23 OFFICERS INVOLVED IN THE ARREST OR DETENTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2004.